

ASSEMBLY BILL

No. 3026

Introduced by Assembly Member Saldana

February 22, 2008

An act to amend Section 19250 of, and to add Section 19217 to, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 3026, as introduced, Saldana. Elections: voting systems.

(1) Existing law specifies the requirements for approval of voting systems and inspection of approved voting systems. Existing law also prohibits the Secretary of State from approving any voting system, including a direct recording electronic voting system, unless the paper used for its voter verified paper audit trail is of sufficient quality that it maintains its integrity and readability throughout the required retention period.

This bill would additionally prohibit the use of a voting system that connects to the Internet at any time, that receives or transmits election data through an exterior communication network, including a public telephone system, or that receives or transmits wireless communications or wireless data transfers.

(2) Existing law prohibits the Secretary of State from approving a direct recording electronic voting system unless the system meets specified requirements, including receiving federal qualification and a voter verified paper audit trail. Existing law also prohibits a direct recording electronic voting system from being connected to the Internet at any time, receiving or transmitting official election results through an exterior communication network, or receiving or transmitting wireless communications or wireless data transfers.

This bill would delete the above prohibitions related to a direct recording electronic voting system being connected to the Internet at any time, receiving or transmitting official election results through an exterior communication network, or receiving or transmitting wireless communications or wireless data transfers.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 19217 is added to the Elections Code, to
2 read:

3 19217. A voting system shall comply with all of the following:

4 (a) No voting system or part of a voting system shall be
5 connected to the Internet at any time.

6 (b) No voting system or part of a voting system shall receive or
7 transmit election data through an exterior communication network,
8 including the public telephone system.

9 (c) No voting system or part of a voting system shall receive or
10 transmit wireless communications or wireless data transfers.

11 SEC. 2. Section 19250 of the Elections Code is amended to
12 read:

13 19250. (a) On and after January 1, 2005, the Secretary of State
14 shall not approve a direct recording electronic voting system unless
15 the system has received federal qualification and includes an
16 accessible voter verified paper audit trail.

17 (b) On and after January 1, 2006, a city or county shall not
18 contract for or purchase a direct recording electronic voting system
19 unless the system has received federal qualification and includes
20 an accessible voter verified paper audit trail.

21 (c) As of January 1, 2006, all direct recording electronic voting
22 systems in use on that date, regardless of when contracted for or
23 purchased, shall have received federal qualification and include
24 an accessible voter verified paper audit trail. If the direct recording
25 electronic voting system does not already include an accessible
26 voter verified paper audit trail, the system shall be replaced or
27 modified to include an accessible voter verified paper audit trail.

28 (d) All direct recording electronic voting systems shall include
29 a method by which a voter may electronically verify, through a

1 nonvisual method, the information that is contained on the paper
2 record copy of that voter's ballot.

3 (e) A paper record copy that is printed by a voter verified paper
4 audit trail component shall be printed in the same language that
5 the voter used when casting his or her ballot on the direct recording
6 electronic voting system. For languages that lack a written form,
7 the paper record copy shall be printed in English.

8 ~~(f) A direct recording electronic voting system shall not be~~
9 ~~connected to the Internet at any time.~~

10 ~~(g) A direct recording electronic voting system shall not be~~
11 ~~permitted to receive or transmit official election results through~~
12 ~~an exterior communication network, including the public telephone~~
13 ~~system.~~

14 ~~(h) A direct recording electronic voting system shall not be~~
15 ~~permitted to receive or transmit wireless communications or~~
16 ~~wireless data transfers.~~